

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PROTECT DEMOCRACY PROJECT, INC.; )  
BRENNAN CENTER FOR JUSTICE AT )  
NEW YORK UNIVERSITY SCHOOL OF LAW; )  
MICHAEL F. CROWLEY; and )  
BENJAMIN WITTES, )

Plaintiffs, )

v. )

U.S. DEPARTMENT OF JUSTICE; )  
DEPARTMENT OF HOMELAND SECURITY; )  
WILLIAM P. BARR, in His Official Capacity )  
as Attorney General of the United States; and )  
the United States; and CHAD F. WOLF, )  
in His Official Capacity as Acting Secretary )  
of the Department of Homeland Security, )

Defendants. )

C.A. No. 18-10874-DPW

DEFENDANTS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF

Defendants, U.S. Department of Justice, Department of Homeland Security, William P. Barr, and Chad F. Wolf ("Defendants"), by their attorney, Andrew E. Lelling, United States Attorney for the District of Massachusetts, respectfully move the Court for leave to file a short Supplemental Brief in support of their Motion to Dismiss this proceeding. A copy of the proposed Supplemental Brief is attached hereto.

On December 4, 2019, at oral argument on the Motion to Dismiss, the Court requested that the parties file simultaneous, supplemental briefs by Wednesday, December 4, 2019. The undersigned was unable to file the Defendants' supplemental brief on this date, and filed a motion to extend the filing date until December 13, 2019.<sup>1</sup> The Court has not yet ruled on that

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<sup>1</sup> Plaintiffs opposed the motion to extend the time (ECF No. 53).

motion. Defendants now request leave to file the supplemental brief, so that so that they can comply with the filing date they requested in their Motion to Extend the Filing Date (ECF No. 51). Defendants understand that the Court requested simultaneous briefs on the matter, and Defendants represent that their Supplemental Brief, should the Court grant leave for it to be filed, does not respond or reply to Plaintiffs' earlier-filed supplemental brief (ECF No. 52).

WHEREFORE, Defendants request that their motion be granted and that the Court grant them leave to file their supplemental brief.

Respectfully submitted,

ANDREW E. LELLING,  
United States Attorney

By: /s/ Susan M. Poswistilo  
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Date: December 13, 2019

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Susan M. Poswistilo  
Susan M. Poswistilo

Date: December 13, 2019

CERTIFICATION

I certify that on December 13, 2019, I conferred with counsel for the plaintiff, Shane Huntley, and Plaintiffs oppose this motion.

/s/ Susan M. Poswistilo  
Susan M. Poswistilo

Date: December 13, 2019